

Judge John C. Coughenour

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

WENDY JENDRYSIK,) Case No. 2:13-cv-00559-JCC
)
Plaintiff,)
)
vs.) **DECLARATION OF MARSHALL S.**
) **MEYERS IN SUPPORT OF PLAINTIFF'S**
) **BRIEF IN OPPOSITION TO RPM'S**
) **MOTION FOR SUMMARY JUDGMENT**
RECEIVABLES PERFORMANCE)
MANAGEMENT, LLC,)
)
Defendant.)
)
)

I, Marshall S. Meyers, am counsel for Plaintiff in the above-captioned matter. I state the following on the basis of my personal knowledge of the facts set forth herein:

1. Defendant Receivables Performance Management, LLC ("RPM") produced a number of documents in discovery.
2. RPM produced its Pick Report for Ms. Jendrysik's telephone number as RPM000562-000579. A true and exact copy of that report is attached to this declaration as Exhibit "A."

1 3. RPM produced its Noble Systems Dialer Report for Ms. Jendrysik's telephone
2 number as RPM000580-000581. A true and exact copy of that report is attached to this
3 declaration as Exhibit "B."

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5 4. RPM produced the Preview Dialing manual for its Noble Systems dialer as
6 RPM000170-000177. A true and exact copy of that report is attached to this declaration as
7 Exhibit "C."

8 5. In *Levy v. Receivables Performance Mgmt., LLC*, No. 11-CV-3155-JFB-ARL
9 (E.D.N.Y. Sept. 23, 2013), plaintiff took the deposition of Christopher Vittoz and filed a partial
10 transcript of the deposition in support of his motion for partial summary judgment.
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12 6. Various excerpts from the transcript of the deposition are attached to this
13 declaration as Exhibit "D."

14 7. The plaintiff's statement of facts from *Levy* is attached to this declaration as
15 Exhibit "E."

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17 8. RPM's response to the plaintiff's statement of facts in *Levy* is attached to this
18 declaration as Exhibit "F."

19 9. The plaintiff's motion to compel, filed as a letter motion, is attached to this
20 declaration as Exhibit "G."

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22 10. The plaintiff's motion for contempt, filed as a letter motion, is attached to this
23 declaration as Exhibit "H."

24 11. The plaintiff's motion for sanctions, filed as a letter motion, is attached to this
25 declaration as Exhibit "I."

1 12. A portion of the plaintiff's opposition to RPM's motion for summary judgment is
2 attached to this declaration as Exhibit "J."

3 13. RPM produced in discovery the manual for Noble Systems' Dynamic Center
4 Reporter.
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6 14. A portion of the Dynamic Center Reporter Manual is attached to this declaration
7 as Exhibit "K."

8 15. Prior to RPM filing its motion for summary judgment, the parties scheduled a
9 deposition of Lukasz Wojnowski, RPM's Director of Information Technology to take place on
10 December 13, 2013 at RPM's counsel's office.
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13 I declare under the penalty of perjury that the foregoing is true and correct.
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16 Respectfully submitted this Monday, December 02, 2013.

17 /s/ Marshall S. Meyers
18 Marshall S. Meyers
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CERTIFICATE OF SERVICE

I hereby certify that on December 2, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Mr. Andrew Shafer
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/s/ David McDevitt
David McDevitt